



National Institute of Standards and Technology, National Construction Safety Team (NCST) Advisory Committee update on the World Trade Center (WTC) Investigation.

Comments of Robert Polk, on behalf of the National Association of State Fire Marshals' Partnership for Safer Buildings

My name is Robert Polk and I am here on behalf of the Partnership for Safer Buildings, a coalition of public safety authorities and building industry representatives managed under the auspices of the National Association of State Fire Marshals (NASFM).

In the interest of time, I will refrain from providing background on these organizations as we have appeared before this Committee in the past, and the record already contains sufficient information on our members, goals, initiatives and progress.

We deeply appreciate the serious manner in which the Advisory Committee has conducted its work, the insights you have already shared and the data you have generated. A terrorist attack on tall buildings and the horrific fire at the Rhode Island nightclub would seem like strange subjects to study as we rethink the ways in which we design and construct our homes, workplaces, health care and educational facilities, and places of worship and recreation.

However, both incidents have forced us to confront the result of decades of economic compromise at the expense of public safety. No one seriously plans to protect buildings against attacks with jetliners, and no one should ever be allowed to operate any place of assembly -- much less a nightclub -- with so many obvious hazards. But we already know that these fires illustrate the importance of redundant fire protection, and the tragic consequences of cutting costs beyond what makes sense.

Except where lives can be saved, Fire Chiefs may now allow buildings to burn rather than risk firefighters' lives. The National Institute of Occupational Safety and Health is urging incident commanders to take special precautions against building collapse, and the National Construction Safety Team's work has only amplified that concern. Yet, states are moving forward with the latest versions of the model codes, which ignore what we are learning here. In some instances, jurisdictions are making further reductions in the levels of safety prescribed in the model codes.

At the end of the day, your report will inevitably reverse the trend towards less expensive construction at the cost of safe construction. The model codes have no choice but to heed this science-based guidance, and the courts will find this report compelling. However, we have no intention of waiting until the end of the day.

NASFM has submitted proposals to the International Building Code and the International Fire Code that will:

- Make all sprinkler requirements for new construction effective for existing buildings. Cost was the only rationale for making a distinction in the first place.
- Restore the passive fire protection requirements that have been removed from the model codes. Cost was the only rationale for eliminating these requirements.
- Provide new authority to allow fire code officials to direct the replacement of any recalled component of a fire protection technology. UL has informed us it “does not have any basis” for removing the listing of recalled sprinkler heads, yet the fact that these heads are listed prevents many states from taking action.
- Provide new authority for code officials to inspect and require the replacement of seriously deteriorated passive materials.

Copies of these proposals are attached to our submitted statement and are intended for the Advisory Committee’s permanent record.

We are also working on a proposal that will permit authorities having jurisdiction to determine the hazard classification of occupancies. The fuel load in many average buildings is far greater than what can be managed by minimal sprinkler coverage.

We shall see how the model codes respond to these proposals. Fire safety advocates rarely form a majority on the technical committees, and the model codes’ procedures and timing are not designed to facilitate rapid change. But the model codes serve an important purpose, and that is to define the minimum acceptable levels of safety. The differences between the model codes are minimal. There is a competition of organizations -- not ideas.

What we need is a competition in the name of safety. The states and cities already compete aggressively for tourists, new business, and trade. Communities promote the quality of their schools, cultural and recreational offerings, the safety of their streets, the strengths of their workforce, and local economies. Wherever they can, they look for credible, independent verification of their excellence.

Since 9-11, states and cities have gone to great lengths to provide assurances of safety and security to citizens and visitors. We are now studying the feasibility of a model

code that provides a true alternative -- one that defines much higher levels of safety and security for those states and communities that desire to do more than the minimum.

Our vision is a model code that meets ANSI criteria, is based on science, and stimulates competition among builders and materials and product suppliers. It will be a model code that is capable of keeping pace with, and rewarding, innovation. It will integrate the main branches of public safety: law enforcement, fire protection, public health and environmental protection. Of course, it will be voluntary -- an alternative for organizations that would like to do more than the minimum.

In closing, let me again express our sincere appreciation to NIST and the Advisory Committee for its work. You have not yet issued your report, but you have ignited some powerful ideas.

Thank you.